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11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 **JAMES G. GARCIA,**

16 Plaintiff,

17 v.

18 **BEN CURRY, Warden, et al.,**

19 Defendants.  
20

C 07-6262 CRB (PR)

**DECLARATION OF  
COUNSEL IN SUPPORT OF  
DEFENDANTS' MOTION  
FOR AN EXTENSION OF  
TIME TO FILE A  
DISPOSITIVE MOTION**

21 I, Lily A. Korman, declare as follows:

22 1. I am an attorney admitted to practice before this Court. I am employed by the  
23 California Attorney General's Office as a Deputy Attorney General in the Correctional Law  
24 Section, and I am assigned to represent Defendants A. Tucker, B. Curry, V. Khan, D. N. McCall,  
25 and A. E. Roberts (Defendants) in this case. I am competent to testify to the matters set forth in  
26 this declaration, and if called upon to do so, I would and could so testify. I submit this  
27 declaration in support of Defendants' Motion for an Extension of Time to File a Dispositive  
28 Motion.

1       2. This is a 42 U.S.C. § 1983 action filed by a state prisoner. The Complaint was filed on  
2 December 11, 2007. (Compl., Docket No. 1.)

3       3. On April 18, 2008, this Court found that liberally construed, Plaintiff stated  
4 cognizable claims under 42 U.S.C. § 1983 for damages based on excessive force and retaliation  
5 and ordered service on Defendants. (Order, Docket No. 5.) This Court directed Defendants to  
6 file a motion for summary judgment or other dispositive motion "[n]o later than 90 days from the  
7 date of this order." (*Id.*) Thus, a motion for summary judgment or dispositive motion is  
8 currently due on July 17, 2008.

9       4. In June, I was assigned to this case and I began my review of this matter.

10       5. After reviewing the complaint and exhibits in this case, I determined that I need to  
11 conduct further factual research and consult with witnesses. Therefore, I request a forty-five-day  
12 extension of time, up to and including September 2, 2008, to file Defendants' motion for  
13 summary judgment or other dispositive motion.

14       6. Plaintiff is confined in state prison and cannot easily be contacted concerning an  
15 extension of time. I will serve Plaintiff by overnight mail since it is difficult to deliver a copy of  
16 the motion to him the same day under Local Rule 6-3.

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1        7. This is Defendants' first request for an extension of time. This request is not made for  
2 purposes of delay, or harassment, or any other improper purpose.

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4        Dated: July 7, 2008

5                        Respectfully submitted,

6                        EDMUND G. BROWN JR.  
7                        Attorney General of the State of California

8                        DAVID S. CHANEY  
9                        Chief Assistant Attorney General

10                      ROCHELLE C. EAST  
11                      Acting Senior Assistant Attorney General

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17                      

18                      LILY A. KORMAN  
19                      Deputy Attorney General  
20                      Attorneys for Defendants A. Tucker, B. Curry, V. Khan, D. N.  
21                      McCall, and A. E. Roberts

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